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NOV 29 1999

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In re Application of	:	
EL KHIATI et al.	:	
U.S. Application No. 09/242,803	:	DECISION ON PETITION
PCT No.: PCT/FR98/00508	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 12 March 1998	:	
Priority Date: 13 March 1997	:	
Attorney Docket No. 3633-492	:	
For: SODA-LIME-SILICA GLASS	:	
COMPOSITIONS AND APPLICATIONS	:	

This is a decision on applicant's "PETITION UNDER CFR 1.137(b)" filed 24 February 1999 in the above-captioned application. The required petition fee of \$1210.00 (37 CFR 1.17(m)) will be charged to Deposit Account No. 16-1150, as requested.

BACKGROUND

On 12 March 1998, applicant filed international application PCT/FR98/00508 which claimed a priority date of 13 March 1997 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 September 1998.

A proper Demand was not filed with for International Preliminary Examination prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 19 months from the priority date, or at midnight on 13 November 1998.

On 24 February 1999, applicant filed a transmittal letter requesting entry into the national stage in the United States, which was accompanied, inter alia, by: the basic national fee; a copy of the international application; an English translation of the international application; a declaration and power of attorney; an assignment; and the present petition seeking revival under 37 CFR 1.137(b) with the appropriate fee.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the submission of the payment of the basic

national fee of \$840.00.

As to Item (2), the appropriate petition fee of \$1210.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), Petitioner's statement that "[t]he entire delay causing and caused by the abandonment of this application was unintentional" does not comply with 37 CFR 1.137(b)(3). However, the statement will be accepted and construed as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, Petitioner is required to provide a statement to that effect.

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Deposit Account No. 16-1150 has been charged a \$130.00 processing fee under 37 CFR 492(e) for supplying an oath or declaration later than 20 months from the earliest claimed priority date and a \$130 processing fee under 37 CFR 492(f) for supplying an English translation later than 20 months from the earliest claim priority date as authorized.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is **GRANTED**.

The application has an international filing date of 12 March 1998 under 35 U.S.C. 363 and a 35 U.S.C. 102(e) and 371(c) date of **24 February 1999**.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.



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